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Paper No. 12

Hung Chang LIN
8 Schindler Court
Sliver Spring, MD 20903

In re Application of
Faquir JAIN et al.
Application No. 09/547,415
Filed: April 11, 2000
Attorney Docket No. 09/547,415

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to timely reply to the Non-Final Office action mailed January 30, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed on September 10, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The required reply to a non-final action in a nonprovisional application abandoned for failure to prosecute may be an argument or an amendment under 37 CFR 1.111; the filing of a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d) if the application is a utility or plant application filed before May 29, 2000, or a design application). See MPEP 711.03(c)(III)(A)(2).

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this decision should be directed to Latrice Bond at (703) 308-6911.



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For Patent Examination Policy